

TWENTY-FIFTH DAY

(Tuesday, February 21, 1939)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Morse.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Gilmer
Allen	Goodman
Allison	Gordon, Mrs.
Alsup	Hale
Anderson	Hamilton
Bailey	Hankamer
Baker	Hardeman
of Fort Bend	Hardin
Baker of Grayson	Harp
Bell	Harper
Blankenship	Harrell of Bastrop
Bond	Harrell of Lamar
Boyd	Harris
Boyer	Hartzog
Bradbury	Heflin
Bradford	Holland
Bray	Howard
Bridgers	Howington
Broadfoot	Hull
Brown of Cherokee	Hunt
Brown	Isaacks
of Nacogdoches	Johnson of Ellis
Bundy	Johnson of Tarrant
Burkett	Keith
Burney	Kennedy
Cauthorn	Kern
Celaya	Kerr
Chambers	Kersey
Clark	Kinard
Cleveland	King
Cockrell	Langdon
Coleman	Lehman
Colquitt	Leonard
Colson, Mrs.	Leyendecker
Cornett	Little
Corry	Lock
Crossley	Loggins
Daniels	London
Davis of Jasper	Mays
Davis of Upshur	McAlister
Dean	McDaniel
Derden	McDonald
Dickison	McFarland
Dickson	McMurry
Donaghey	Mohrmann
Dowell	Monkhouse
Dwyer	Montgomery
Faulkner	Morris
Felty	Newell
Ferguson	Nicholson
Fielden	Oliver
Fuchs	Olsen
Galbreath	Pace

Petsch	Spencer
Pevehouse	Stinson
Piner	Stoll
Pope	Talbert
Ragsdale	Tarwater
Reader of Bexar	Taylor
Reader of Erath	Tennant
Reaves	Thornberry
Reed	Thornton
Rhodes	Turner
Riviere	Vale
Roach	Vint
Roberts	Voigt
Robinson	Waggoner
Russell	Weldon
Schuenemann	Wells
Segrist	Westbrook
Shell	White
Skiles	Wilson
Smith of Frio	Winfree
Smith of Hopkins	Wood
Smith	Worley
of Matagorda	Wright

Absent—Excused

McNamara

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Our Heavenly Father, as we look upon our lives and the history of our State we rejoice in Thy blessings, and in the challenge of our present opportunities. Humbly we ask for discretion and wisdom in our thinking and activities, in tasks that come to us amid complications and antagonisms. In Jesus' name. Amen."

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. McNamara for today, on motion of Mr. Wilson.

Mr. Leonard temporarily for today, on motion of Mr. Blankenship.

Mr. Dean temporarily for today, on motion of Mr. Boyer.

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Ferguson:

H. B. No. 603, A bill to be entitled "An Act granting permission to John

Albert Jordan to bring suit against the State of Texas, in a court of competent jurisdiction, for damages for personal injuries received by him while a student in the Deaf and Dumb School of the State of Texas, and which injuries are alleged to have produced damages to the said John Albert Jordan; providing that any judgment so recovered to be paid out of the funds of the State of Texas; providing that if any provisions of this Act shall be invalid, that validity of the other provisions thereof shall not be affected, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Heflin:

H. B. No. 604, A bill to be entitled "An Act to amend Chapter 33 of the General Laws of the Thirty-ninth Legislature, Regular Session, 1925, as amended, so as to make certain provisions with respect to the authorization and issuance of revenue bonds and notes by cities having more than one hundred and sixty thousand (160,000) inhabitants, and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

By Mr. Chambers and Mr. Davis of Upshur:

H. B. No. 605, A bill to be entitled "An Act amending Article 666, Section 29, of the Penal Code of the State of Texas for 1925; describing a common nuisance, and declaring an emergency."

Referred to the Committee on Liquor Traffic.

By Mr. Isaacks:

H. B. No. 606, A bill to be entitled "An Act to amend Article 6675a-10, Revised Civil Statutes of Texas, 1925, being Section 10, Chapter 88, page 172, General Laws of the Second Called Session of the Forty-first Legislature, relating to the collection and apportionment of motor vehicle license fees, providing for the distribution and apportionment of such fees as between the State, counties, and cities or towns in such counties, providing that remittances to the Highway Department shall be accompanied by designated reports, restricting the use of moneys paid to counties and cities or towns. This Act shall take effect

and be in force from and after the 1st day of January, A. D., 1940."

Referred to the Committee on State Affairs.

By Mr. Weldon:

H. B. No. 607, A bill to be entitled "An Act amending House Bill No. 72, Chapter 39, page 83, Section 4 of the General and Special Laws of the Forty-second Legislature, First Called Session, 1931; providing for manner of paying salaries for rural school supervisors in Van Zandt County, and declaring an emergency."

Referred to the Committee on School Districts.

By Mr. Robinson and Mr. Thornton:

H. B. No. 608, A bill to be entitled "An Act to amend Article 1257 of the Penal Code as amended by Acts, 1927, Regular Session of the Fortieth Legislature, page 412, Chapter 274, paragraph 1, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Leonard:

H. B. No. 609, A bill to be entitled "An Act amending Chapter 25, Acts of the Thirty-ninth Legislature, Regular Session, 1925, page 86, Section 9, Subsection 77, as amended by Acts of 1929, Regular Session, Forty-first Legislature, page 578, Chapter 280, Section 9, Subsection 77a, providing for assessing, levying and collecting taxes; clarifying Subsection 77a, and providing that the plea of limitation shall not be available as a bar to any charges or debts created under and by virtue of the Sections 106, 107, 108, and 109 of Chapter 25, and declaring an emergency."

Referred to the Committee on Conservation and Reclamation.

By Mr. Holland:

H. B. No. 610, A bill to be entitled "An Act to amend Article 2956, Revised Civil Statutes of Texas, 1925, as amended by the Regular Session of the Forty-fourth Legislature and the Second Called Session of the Forty-fourth Legislature, repealing all laws and parts of laws in conflict therewith, and declaring an emergency."

Referred to the Committee on Privilege, Suffrage and Elections.

By Mr. Little:

H. B. No. 611, A bill to be entitled "An Act creating a Special Road Law for Carson County, Texas, providing that said County may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of January 31, 1939, by the issuance of funding bonds; providing that items of indebtedness as of said date, in the form of scrip, time warrants, or funding warrants, may be included in such funding bond issue; setting forth the method of issuing such funding bonds; validating all acts of the Commissioners' Court and of the county officials of said County in issuing said scrip or warrants; validating said scrip or warrants; providing that the General Laws pertaining to roads and bridges shall be applicable to said County when not in conflict with the provisions hereof; repealing all laws and parts of laws in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Reed:

H. B. No. 612, A bill to be entitled "An Act amending Article 600-A of Vernon's Revised Civil Statutes, such Article being the Acts of 1935, Forty-fourth Legislature, page 255, Chapter 100, by adding another Section to Article 600-A to be known as Section 33-A; providing that every sale or contract of sale of any security in violation of any provision of Chapter 100 of the General Laws of Texas, 1935, shall be voidable at the election of the purchaser; providing how the purchaser may recover at law; providing the time that such cause of action may be brought; providing an exception thereto when the purchase price is a royalty or a mineral interest in land and such security is unregistered or sold through an unregistered agent; providing the time when any existing cause of action not now barred may be brought, and declaring an emergency."

Referred to the Committee on Judiciary.

By Mr. Segrist, Mr. Goodman, Mr. Stinson, Mr. McDaniel, Mr. Reed, Mrs. Gordon and Mr. Blankenship:

H. B. No. 613, A bill to be entitled "An Act amending Sections 8 and 21,

Chapter 41 of the Acts of the Fortieth Legislature, First Called Session, so as to require physical marks of identification in deaths of non-resident persons, also finger prints of the deceased; and so as to require the State Registrar to enter into an agreement with the Bureau of the Census for the franking privileges, and the blanks furnished by the United States Census Bureau, and that the transcripts made for the United States Bureau Census be made under the direction of the State Registrar, and for the issuance of photostatic copies to service men, their widows and orphans free of cost, and declaring an emergency."

Referred to the Committee on Public Health.

By Mr. Segrist, Mr. Reed, Mr. Goodman, Mr. Stinson, Mr. McDaniel, Mrs. Gordon and Mr. Blankenship:

H. B. No. 614, A bill to be entitled "An Act amending Sections 14 and 18 of Chapter 41 of the Acts of the Fortieth Legislature, First Called Session, so as to provide for the filing of the birth record of an adopted child in the local registrar's office, and providing for a change in the birth record of a child when that child is legitimized by the marriage of its mother; and so as to provide for the registration of a birth or death that has not previously been registered, and declaring an emergency."

Referred to the Committee on Public Health.

By Mr. Weldon:

H. B. No. 615, A bill to be entitled "An Act providing relief for the Martins Mill Independent School District No. 75, Van Zandt County, Texas, in order to aid said School District in rebuilding its properties and equipping its school which was destroyed by fire on Friday, February 10, 1939; making an appropriation for said District for said purpose, and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Lock:

H. B. No. 616, A bill to be entitled "An Act providing for a Rural School Supervisor in certain counties; prescribing the qualifications and duties of said Supervisor; prescribing the

method of employing the Supervisor; prescribing the salary, office and traveling expenses of said Supervisor and funds from which he shall be paid; providing for the discontinuance of the office of Rural School Supervisor; providing other things incidental to said purpose, and declaring an emergency."

Referred to the Committee on School Districts.

By Mr. McDonald:

H. B. No. 617, A bill to be entitled "An Act to amend Chapter 83, Senate Bill No. 179, of the General Laws passed by the Forty-first Legislature of the State of Texas at its Second Called Session, as amended by House Bill No. 291, Chapter 244, of the General Laws, passed by the Forty-fifth Legislature of Texas at its Regular Session by providing in Section 4 of said Act that credit for three (3) hours of military science as provided in an approved senior R. O. T. C. unit may be substituted for three hours of government as specified in the Act, and declaring an emergency."

Referred to the Committee on Education.

By Mr. Johnson of Ellis:

H. B. No. 618, A bill to be entitled "An Act to regulate Commercial Schools or Colleges; providing for certain sanitary requirements; license fees, duties, and regulations; creating the office Supervisor of Commercial Schools and prescribing qualifications and duties of such officer; creating the Commercial Schools Fund with funds to go to the Available School Fund; providing for examination of students; providing a saving clause; enforcement clause, penalties; further that this Act shall repeal and supersede Senate Bill No. 520 passed by the Forty-first Legislature, Regular Session, and amending Article 301a of the Penal Code, Title 7, Chapter 3, and declaring an emergency."

Referred to the Committee on Education.

By Mr. Hardin:

H. B. No. 619, A bill to be entitled "An Act providing for the organization and regulation of Burial Associations furnishing funeral or burial benefits where funds are provided by assessments on members, providing the manner under which such Associations may be organized and oper-

ated, and prescribing the territorial limits of such Associations, prohibiting their operations in the larger cities, and prohibiting the connection of two or more Associations of the same character, providing the number of persons who may organize, and how same may be organized, and prescribing the terms of application of members and terms of the policies or certificates which may be issued, fixing the maximum amount of policies and of charges which may be made for service and supplies, providing for the recording of its Articles of Association and bond of its officers, selection of depository and the handling of funds, for required deposits, regulating the grouping or classification of members, prohibiting the issuance of policies with level premium rates, surrender value or guaranteed values, granting to such Associations corporate existence, prescribing penalties for violation hereof, authorizing suits for the forfeiture of rights to business, prescribing that such Associations shall be governed exclusively by this Act, and fixing the time when existing Burial Associations must comply with this Act; limiting the expenses of operating, requiring records to be kept subject to inspection, and providing generally for the organization obligations, limitations, regulations and government of Burial Associations in Texas, and declaring an emergency."

Referred to the Committee on Insurance.

By Mr. Spencer:

H. B. No. 620, A bill to be entitled "An Act amending House Bill No. 280, Chapter 452, General and Special Laws of the Forty-fifth Legislature, Regular Session, 1937; providing for allowance on County warrant to Henderson County as a credit upon its indebtedness, under State Aid Project No. 817-A, for which said warrant was issued and delivered to Highway Department of the State of Texas, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Anderson, Mr. Dwyer and Mr. Reader of Bexar:

H. B. No. 621, A bill to be entitled "An Act to amend Section 18 of Chapter 137 of the Special Laws of the Regular Session of the Forty-second Legislature known as the Bexar

County Road and Bridge Law, as amended by Chapter 44 of the Special Laws of the Regular Session of the Forty-third Legislature, providing manner of expending and apportioning monies now on hand and coming into the road and bridge fund of Bexar County, Texas; repealing all laws and parts of laws in conflict; providing an effective date of this Act, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Anderson:

H. B. No. 622, A bill to be entitled "An Act amending Section 2, Article 2326e of the Revised Civil Statutes of Texas, 1925, as amended, providing for 'salaries of reporters in certain counties,' so that the same shall hereafter read as follows:"

Referred to the Committee on Counties.

By Mr. Blankenship, Mr. McDonald and Mr. Rhodes:

H. B. No. 623, A bill to be entitled "An Act to amend Chapter 495, Article 3, Section 4, Acts of the Third Called Session of the Forty-fourth Legislature."

Referred to the Committee on State Affairs.

HOUSE JOINT RESOLUTION ON FIRST READING

The following House Joint Resolution, introduced today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Worley:

H. J. R. No. 33, Proposing to amend the Constitution of the State of Texas so as to provide that the Available School Fund shall be distributed to the several counties as may be provided by law.

Referred to the Committee on Constitutional Amendments.

ADDITIONAL SIGNER OF HOUSE BILL NO. 580

Mr. Piner was authorized to sign House Bill No. 580 as co-author of same.

(Mr. Leonard in the Chair.)

SENATE BILL NO. 109 RE-REFERRED

Mr. Keith moved that Senate Bill No. 109 be withdrawn from the Com-

mittee on State Affairs and referred to the Committee on Highways and Motor Traffic.

The motion prevailed.

REPORT OF THE COMMITTEE ON RESOLUTIONS OF THE "DIRT FARMERS" CONGRESS"

On motion of Mr. Ragsdale, the following report of the Committee on Resolutions of the "Dirt Farmers' Congress," was ordered printed in the Journal:

Mr. Chairman, We the Committee on Resolutions, submit the following report:

This meeting of the "Dirt Farmers' Congress," marks a milestone in the history of agriculture in Texas. It is a new chart for the agricultural committees of the Senate and House of Representatives of our State Legislature to invite the agricultural and livestock producers to counsel upon legislative enactments that have and will be presented to the Forty-sixth Legislature. The responses that have come from this invitation which represents more than 100 counties of Texas, justifies this advanced step. We express our appreciation to these committees mentioned and extend thanks to the Governor of our State and to the Legislature for their interests in agricultural problems.

All realize that there are many agricultural problems in Texas that have, as yet, not been solved. We are unwilling to concede that these problems are unsolvable. It is our firm conviction, however, that these solutions cannot come through intolerance, nor by any single interest. We insist that this solution will come only when the producers and industry fully realize that there is truly an independent relationship. Therefore, the necessity of a real correlation of efforts upon the part of producers, both organized and unorganized with industrial interests. Constructive legislative action will be of material aid in effectuating the desired results.

Consistent with the program that has been under discussion upon the occasion of this the first "Dirt Farmers' Congress" in Texas fostered and promoted with legislative sanction, we submit the following as a basis for legislative action during the Forty-sixth Legislature now in session:

1. Insect and Rodent Control. We

view with apprehension the menace of the pink bollworm and consider its eradication as a national problem. We urge that the expenses of protective measures in the eradication of this menace be borne by the Federal and State Governments. Likewise, the control of other insect pests and the ever present rodent are common problems. We commend the educational institutions and other agencies that are doing research work along the lines of this insect and rodent control and recommend to the Legislature that sufficient funds be allocated to these State Institutions that will permit the continuation of this research work. Also, that the Legislature give sufficient funds to match those of the Government Appropriation for Rodent Control.

2. Destruction and Waste of Forest and Wild Life. Since the development of the uses of pine forests in the manufacture of paper, also the development of other forests in commercial lines, we recommend that the Legislature enact such laws as will guarantee the prevention of wanton destruction of these forests by fires or otherwise and, also, that every encouragement be given to the protection of wild life.

3. Soil Erosion. We recognize the full importance of the conservation of our soil and water resources. To that end we plead with the Legislature to speedily enact a soil and water conservation law that will enable the State and Federal Agencies to cooperate along these lines and request that there be nothing in the bill now pending that will interfere with Federal cooperation.

4. Appropriation for Agricultural Education. The increased interest that is being shown by our State Educational Institutions in the development and protection of the agricultural and livestock interest of the State is a source of thorough satisfaction to the farmers and livestock producers of Texas. We, therefore, respectfully recommend that the present State Legislature make such appropriations for these institutions as is consistent with their rapidly increasing attendance. In this connection we call especial attention to the need of a department of cotton and other fibres which will absorb the work in cotton classing and cotton marketing, formerly done by the Textile Engineering Department of A.

and M. College. It is believed that this can be done effectively with an outlay of less than One Hundred Thousand Dollars (\$100,000). We earnestly request that the present Legislature make sufficient appropriations to cover the above recommendations.

5. Farm Tenancy. We recommend that the present Legislature give the question of farm tenancy the most careful thought and consideration and take such steps as it deems advisable to improve the present tenant situation.

6. Consolidation of Agricultural Regulatory Agencies. We contend that the farmers of Texas are justly entitled to at least one of the executive departments of our State Government. We, therefore, especially recommend, that the State Department of Agriculture, which is the farmers branch of the State Government, be directed by a commission of three members who shall be elected by the voters of Texas and who shall have overlapping terms. In order to have unity in State regulatory matters concerning agriculture that all such regulatory agencies be directed by this Agricultural Commission. We believe that all bureaus and agencies related to agriculture should be placed under the direction of this Agricultural Commission.

6. Truck Load Limit. We express our opposition to the present truck load limit of 7,000 pounds. We believe that this limitation is against the best interests of agricultural and livestock industries of Texas in that it practically removes truck competition to the railroads in the transportation of farm products. We hold no brief for the trucks except that we know that so long as they are potential competitors to the railroads that lower rates will be afforded to the producers of Texas who are the largest shippers of raw material. And that, if and when Texas rates are reduced, it will be worth thousands of dollars to the farmers and livestock producers.

We, therefore, appeal to our Legislature to so amend the present truck load limit law as to fix the maximum at a limit that will provide permanent competition to the railroads.

We request the State Legislature to ask the Texas Agricultural and Mechanical College, through its De-

partment of Engineering, to make a study of discriminatory freight rates as they apply to agricultural products of Texas.

7. Livestock. The dairy industry is regulated by agencies in the State that are divided and administered by several departments. We respectfully recommend to the Legislature that a Dairy Commissioner or departmental head be provided for whose duty it shall be to promulgate such rules and regulations as may be necessary to properly supervise the dairy industry in all of its branches in the State.

We would further recommend increased appropriation to facilitate the enforcement of the Texas Cream Test Law and permit its broadening to more fully cover usage and thus provide a greater benefit to farmers.

We also recommend to the Legislature that it consider the necessity for the enactment of a Statewide stock and hog law.

We further recommend that our State Legislature make necessary appropriations to properly share and match the Federal Government to help carry on the eradication of Bangs Disease and to complete the eradication of the Texas Tick Fever in the State.

8. Tax on Production Markets. National banks and other banks under supervision of the Government are exempt from the payment of ten cents a hundred tax on production mortgages. The Gulf Coast Agriculture Credit Corporation located at Houston, Texas, is owned entirely by rice growers in East Texas and discounts its papers through the Federal Intermediate Credit Bank which requires the payment of this ten cents a hundred on production mortgages. We recommend that the Legislature enact such legislation that will relieve the rice growers from this burden.

9. Vocational Agriculture. We believe that the vocational agricultural department is doing a splendid work as shown by the fact that there are now some seven hundred (700) vocational teachers in the State. We recommend that the Legislature give careful study to the work of this important department of our educational system with the view of proper distribution of funds and the administration thereof.

10. Smuggling of Mexican Cotton. We recommend to the Legislature that it enact such legislation as will circumvent the practice of bringing Mexican cotton into Texas ports and being shipped as American cotton.

11. Gasoline Tax Refunds. The Legislature in its wisdom enacted a law giving farmers who use motor driven machinery upon their farms a refund of four cents per gallon. We recommend to the Legislature that this just law remain upon the statute books but that it be so amended as to prevent any such abuses that might be practiced by those who receive the benefits thereof.

12. Cooperative Marketing. Since our National and State Governments have recognized the potency of farmer cooperative marketing, we recommend to the Legislature that the present cooperative marketing laws now upon the statute books of our State remain substantially intact, and we commend the principles of the cooperative marketing for the consideration of all farmers in Texas.

13. Compulsory Dog Vaccination. Inasmuch as rabies among dogs is becoming more prevalent each year in our State, and inasmuch as the State Hygienic Laboratories in Austin are now manufacturing, at a very low cost, rabies vaccine for humane use, to be supplied to the indigent people, and we are reliably informed that animal vaccine can be manufactured at these same laboratories in Austin, at a very low cost, and supplied for the purpose of vaccinating dogs, we urgently request that the Legislature pass a compulsory dog vaccination law, and that, if possible, the State Laboratories be further equipped to manufacture this vaccine for free distribution for the purpose of carrying out the provisions of a compulsory vaccination law.

14. In Appreciation. The success of the first "Dirt Farmers' Congress of Texas" has demonstrated the fact that farmers are giving thorough, careful and constructive studies to the problems with which they have to contend. We desire to extend our thanks to the press of the State, the citizenship of Austin through its Chamber of Commerce, the First Methodist Church of Austin, the State Legislature and to all others who have aided in any way in the practical results that have come from this

two-day meeting of the representatives of agricultural and livestock industries of the State.

Respectfully submitted by,

C. H. DAY,
W. M. DECK,
B. T. PARR,
CARL WHIPRECHT,
J. R. McCRARY,
EUGENE BUTLER,
HOMER D. WADE,
Secretary.

RELATIVE TO RESOLUTION PERIOD

Mr. Derden moved that the House dispense with the consideration of resolutions, at this time.

The motion prevailed.

HOUSE BILL NO. 74 ON THIRD READING

The Chair laid before the House, on its third reading and final passage,

H. B. No. 74, A bill to be entitled "An Act creating a State Bar, constituting it an administrative agency of the Judicial Department of the State, defining the powers thereof, prescribing the membership thereof, and prohibiting those not members from practicing law; empowering the Supreme Court to adopt and promulgate rules and regulations for the admission to the practice of law, disciplining, suspending, and disbarring attorneys at law; for the conduct of the State Bar; prescribing a code of ethics governing the conduct of the members prescribing and limiting the fees to be paid by members, collection and disbursement thereof; preserving the right of trial by jury in disbarment proceedings; providing for repeal of all laws in conflict, and declaring an emergency."

The bill was read third time.

Question—Shall House Bill No. 74 be passed?

(Speaker in the Chair.)

MESSAGE FROM THE SENATE

Austin, Texas, February 21, 1939.
Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

S. B. No. 102, A bill to be entitled "An Act to conserve, preserve, and protect lands, products of lands, in-

cluding timber and crops, and providing penalties, and declaring an emergency."

S. B. No. 128, A bill to be entitled "An Act to repeal the Bosque County Special Road Law, being Chapter 33, page 101, Special Laws of the Regular Session of the Thirty-third Legislature, and the amendments to said laws passed by Chapter 17, page 328, of the Local and Special Laws of the First Called Session of the Thirty-fifth Legislature, and declaring an emergency."

S. B. No. 129, A bill to be entitled "An Act to amend Article 1323 of Revised Civil Statutes of 1925, as amended by House Bill No. 626, Chapter 235, Acts of the Regular Session of the Fortieth Legislature, so as to provide for the length of terms which directors may be elected to and serve for corporations formed under Subdivisions 1, 2, and 3, of Chapter 1, Title 32, Revised Civil Statutes, 1925, and declaring an emergency."

S. B. No. 160, A bill to be entitled "An Act to amend Section 3 of Chapter 5, Acts, 1934, Forty-third Legislature, Second Called Session, as amended by Chapter 439, Acts, 1935, Forty-fourth Legislature, Second Called Session, by providing that the Boards of Directors may refinance bonds already issued, and declaring an emergency."

S. B. No. 180, A bill to be entitled "An Act to fix the maximum rate of tax to be levied for the purpose of issuing bonds and maintaining the public schools in school districts in all counties which according to the last preceding Federal Census, had a population of not fewer than ten thousand, four hundred (10,400) and not more than ten thousand, seven hundred (10,700); repealing all laws in conflict herewith, and declaring an emergency."

Adopted

H. C. R. No. 45, Inviting Governor A. B. Chandler of Kentucky to address a Joint Session of the House and Senate on February 28, 1939.

S. C. R. No. 10, Instructing the Board of Control to provide suitable space in the Rotunda of the Capitol for the purpose of exhibiting a map of the Big Bend Park during this Session of the Legislature.

Respectfully,

BOB BARKER,
Secretary of the Senate.

HOUSE BILL NO. 148 ON SECOND
READING

The Speaker laid before the House, as a special order for this hour, on its second reading and passage to engrossment,

H. B. No. 148, A bill to be entitled "An Act regulating the practice of medicine, amending Articles 4500, 4503, 4504, 4505, 4506 and 4507 of Title 71, Chapter 6, Revised Civil Statutes of Texas, and adding Article 4500a thereto; and amending Articles 740 and 742 of Title 12, Chapter 6, of the Penal Code of Texas, and adding Article 742a thereto, as follows: Providing for the granting, refusal, revocation, cancellation and suspension of licenses to practice medicine in this State; providing for the granting and refusing by the State Board of Medical Examiners of applications to take its examinations, and for judicial proceedings upon any such refusal; providing for the qualifications and attainments to be possessed by applicants for such examinations and licenses, the form and contents of such applications and the examination of such applicants; providing definitions of certain terms used in this Act, including the terms 'reputable physicians' and 'reputable medical colleges'; providing that the State Board of Medical Examiners shall not under Article 4500, as amended hereby, grant a license to practice medicine to any applicant whose authority to practice medicine in any other nation or country was granted by a nation or country in which a similar law in reference to granting a license to practice medicine under reciprocal arrangement does not exist in favor of physicians of Texas; etc., and declaring an emergency."

The bill was read second time.

(Mr. Keith in the Chair.)

Mr. Thornton offered the following committee amendment to the bill:

Amend House Bill No. 148, Section 3, by striking out all of Article 4501 as it appears in said Section and inserting in lieu thereof the following:

"Article 4501. All applicants for license to practice medicine in this State not otherwise licensed under the provisions of law must successfully pass an examination by the Board of Medical Examiners. The Board is authorized to adopt and enforce rules of procedure not inconsistent with the statutory requirements. Applicants

to be eligible for examination must be citizens of the United States, and must present satisfactory evidence to the Board that they are more than twenty-one years of age, of good moral character, who have completed sixty semester hours of college courses, other than in a medical school, which courses would be acceptable, at time of completing same, to the University of Texas for credit on a Bachelor of Arts degree or a Bachelor of Science degree, and who are graduates of bona fide reputable medical schools; a reputable medical school shall maintain a course of instruction of not less than four terms of eight months each; shall give a course of instruction in the fundamental subjects named in Article 4503 of the Revised Civil Statutes as amended by this Act, and shall have the necessary teaching force, and possess and utilize laboratories, equipment, and facilities for proper instruction in all of said subjects. Applications for examination must be made in writing, verified by affidavit, and filed with the Secretary of the Board, on forms prescribed by the Board, accompanied by a fee of \$25.00. All applicants shall be given due notice of the date and place of such examination.

"If any applicant, because of failure to pass the required examination, shall be refused a license, he or she, at such time as the Board of Medical Examiners may fix, shall be permitted to take a subsequent examination, upon such subjects required in the original examination as the Board may prescribe, upon the payment of such part of \$25.00 as the Board may determine and state. In the event satisfactory grades shall be made in the subjects prescribed and taken on such re-examination, the Board may grant to the applicant a license to practice medicine. The Board shall determine the credit to be given examinees on the answers turned in on the subjects of complete and partial examination, and its decision thereupon shall be final."

The amendment was adopted.

Mr. Thornton offered the following amendment to the bill:

Amend House Bill No. 148, Section 5, page 7, by adding after the word "suffering," in line 23, the words "by prayer."

THORNTON,
ANDERSON.

The amendment was adopted.

Mr. Thornton offered the following amendment to the bill:

Amend House Bill No. 148, Section 9, page 10, by adding after the word "suffering," in line 27, the words "by prayer."

THORNTON,
ANDERSON.

The amendment was adopted.

(Speaker in the Chair.)

Mr. Piner offered the following amendment to the bill:

Amend House Bill No. 148, Section 11, Article 742a, by inserting after the word "physician," the words, "unless such person's name be followed by letters or words descriptive of the particular type of treatment offered or performed".

PINER,
ANDERSON,
FIELDEN.

The amendment was adopted.

Mr. Thornton offered the following committee amendment to the bill:

Amend House Bill No. 148, Section 5, by adding in the last sentence thereof following the word "physicians," the words "or registered pharmacists."

SMITH of Matagorda,
THORNTON,
COLEMAN.

Mr. Alsup offered the following substitute amendment for the committee amendment by Mr. Thornton:

Amend House Bill No. 148, Section 5, by striking out the last sentence in said Section and inserting in lieu thereof, the following:

"This law shall be so construed as to apply to persons other than registered pharmacists of this State not pretending to be physicians who offer for sale on the streets or other public places remedies which they recommend for the cure of disease."

Mr. Smith of Matagorda moved to table the substitute amendment by Mr. Alsup.

The motion to table was lost.

Question then recurring on the substitute amendment by Mr. Alsup, it was adopted.

Mr. Keith offered the following amendment to the amendment, as substituted:

Amend House Bill No. 148, Sections 5 and 9, by striking out the last sen-

tence thereof and substituting therefor the following:

"This law shall be so construed as to apply to all persons other than registered pharmacists and licensed physicians of this State, who offer for sale on the streets or in other public places, remedies which they recommend as tonics, rejuvenators, prophylactics, female remedies, or remedies for any disease whatsoever."

(Pending consideration of the amendment by Mr. Keith, Mr. Boyer occupied the Chair temporarily.)

(Speaker in the Chair.)

Mr. Alsup moved to table the amendment by Mr. Keith.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—85

Allen	Harris
Allison	Heflin
Alsup	Howington
Bailey	Hunt
Bell	Johnson of Ellis
Boyd	Kennedy
Boyer	Kern
Bradbury	Kerr
Bradford	Kersey
Broadfoot	Kinard
Brown of Cherokee	King
Brown	Lehman
of Nacogdoches	Lock
Bundy	Loggins
Burkett	London
Burney	McAlister
Chambers	McDaniel
Clark	McDonald
Cleveland	McMurry
Cockrell	Mohrmann
Crossley	Monkhouse
Daniels	Montgomery
Davis of Jasper	Morris
Davis of Upshur	Newell
Dowell	Oliver
Faulkner	Olsen
Ferguson	Pace
Fielden	Pevehouse
Fuchs	Rhodes
Galbreath	Schuenemann
Goodman	Segrist
Hale	Shell
Hamilton	Skiles
Hardeman	Smith of Frio
Hardin	Spencer
Harp	Stinson
Harper	Talbert
Harrell of Bastrop	Tarwater
Harrell of Lamar	Tennant

Thornberry
Turner
Vint
Weldon

Westbrook
Wilson
Winfree
Wood

Nays—46

Baker	Johnson of Tarrant
of Fort Bend	Keith
Baker of Grayson	Langdon
Blankenship	Leyendecker
Bray	McFarland
Bridgers	Nicholson
Cauthorn	Pope
Celaya	Reader of Bexar
Coleman	Reader of Erath
Colquitt	Reed
Colson, Mrs.	Riviere
Cornett	Roach
Corry	Roberts
Derden	Russell
Dickison	Smith
Donaghey	of Matagorda
Dwyer	Stoll
Gilmer	Taylor
Gordon, Mrs.	Thornton
Hankamer	Vale
Hartzog	Waggoner
Holland	Wells
Howard	White
Isaacks	Worley

Absent

Anderson	Piner
Bond	Ragsdale
Dickson	Reaves
Felty	Robinson
Hull	Smith of Hopkins
Little	Voigt
Mays	Wright
Petsch	

Absent—Excused

Dean	McNamara
Leonard	

REASON FOR VOTE

"I do not want to put the Watkins and Rawleigh men out of business."

SPENCER.

Question then recurring on the committee amendment by Mr. Thornton, as substituted, it was adopted.

Mr. Thornton offered the following committee amendment to the bill:

Amend House Bill No. 148, Section 9, by adding in the last sentence thereof following the word "physicians," the words "or registered pharmacists."

SMITH of Matagorda,
THORNTON,
COLEMAN.

Mr. Alsop offered the following substitute amendment for the committee amendment by Mr. Thornton:

Amend House Bill No. 148, Section 9, (page 11 of the printed bill), by striking out the last sentence in said Section, and inserting in lieu thereof, the following:

"This law shall be so construed as to apply to persons other than registered pharmacists of this State not pretending to be physicians who offer for sale on the streets or other public places remedies which they recommend for the cure of disease."

The substitute amendment by Mr. Alsop was adopted.

Question then recurring on the committee amendment by Mr. Thornton, as substituted, it was adopted.

Mr. Piner offered the following amendment to the bill:

Amend House Bill No. 148, Section 10, Article 742, line 15, to read, "by a fine of not less than Fifty (\$50.00) Dollars, nor more than Five Hundred (\$500.00) Dollars, and by imprisonment in the County Jail of not more than six months."

Mr. Thornton moved to table the amendment.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—51

Allison	Isaacks
Baker of Grayson	Johnson of Ellis
Bradbury	Keith
Bradford	Kinard
Bridgers	Leyendecker
Cauthorn	Loggins
Chambers	McAlister
Clark	McDonald
Coleman	Mohrmann
Colquitt	Morris
Davis of Upshur	Olsen
Dickison	Pevehouse
Dickson	Reader of Bexar
Donaghey	Reader of Erath
Dwyer	Riviere
Felty	Roach
Gilmer	Robinson
Gordon, Mrs.	Skiles
Hankamer	Smith of Frio
Harrell of Lamar	Smith of Hopkins
Harris	Smith
Hartzog	of Matagorda
Howard	Taylor
Howington	Thornton

Vale	Waggoner
Vint	Wells
Nays—85	
Allen	Kennedy
Alsup	Kern
Anderson	Kerr
Bailey	Kersey
Baker	King
of Fort Bend	Langdon
Bell	Lehman
Blankenship	Lock
Bond	London
Boyd	McDaniel
Boyer	McFarland
Bray	McMurry
Broadfoot	Monkhouse
Brown of Cherokee	Montgomery
Brown	Nicholson
of Nacogdoches	Oliver
Bundy	Pace
Burkett	Piner
Burney	Reaves
Cleveland	Reed
Cockrell	Rhodes
Cornett	Roberts
Corry	Russell
Crossley	Schuenemann
Daniels	Segrist
Davis of Jasper	Shell
Derden	Spencer
Dowell	Stinson
Faulkner	Stoll
Ferguson	Talbert
Fielden	Tarwater
Fuchs	Tennant
Galbreath	Thornberry
Goodman	Turner
Hale	Voigt
Hamilton	Weldon
Hardeman	Westbrook
Hardin	White
Harp	Wilson
Harper	Winfree
Harrell of Bastrop	Wood
Holland	Worley
Hunt	Wright
Johnson of Tarrant	

Absent

Celaya	Mays
Colson, Mrs.	Newell
Heflin	Petsch
Hull	Pope
Little	Ragsdale

Absent—Excused

Dean	McNamara
Leonard	

Question then recurring on the amendment by Mr. Piner, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—97

Allen	Kennedy
Alsup	Kern
Anderson	Kerr
Bailey	Kersey
Baker	King
of Fort Bend	Langdon
Bell	Lehman
Blankenship	Leyendecker
Bond	Little
Boyd	Lock
Boyer	Loggins
Bray	London
Broadfoot	McDaniel
Brown of Cherokee	McFarland
Brown	McMurry
of Nacogdoches	Monkhouse
Bundy	Montgomery
Burkett	Oliver
Burney	Olsen
Chambers	Pace
Clark	Pevehouse
Cleveland	Piner
Cockrell	Reaves
Cornett	Reed
Corry	Rhodes
Crossley	Riviere
Daniels	Roberts
Davis of Jasper	Russell
Derden	Schuenemann
Dickson	Segrist
Faulkner	Shell
Felty	Skiles
Ferguson	Smith
Fielden	of Matagorda
Fuchs	Spencer
Galbreath	Stinson
Gilmer	Talbert
Goodman	Tarwater
Hale	Tennant
Hamilton	Thornberry
Hardeman	Turner
Hardin	Voigt
Harp	Weldon
Harper	Westbrook
Harrell of Bastrop	White
Holland	Wilson
Howington	Winfree
Hunt	Wood
Isaacks	Worley
Johnson of Tarrant	Wright

Nays—38

Allison	Colquitt
Baker of Grayson	Davis of Upshur
Bradbury	Dickison
Bradford	Donaghey
Bridgers	Dwyer
Cauthorn	Gordon, Mrs.
Coleman	Hankamer

Harrell of Lamar	Reader of Bexar
Harris	Reader of Erath
Hartzog	Roach
Howard	Robinson
Keith	Smith of Frio
Kinard	Smith of Hopkins
McAlister	Taylor
McDonald	Thornton
Mohrmann	Vale
Morris	Vint
Newell	Waggoner
Pope	Wells

Absent

Celaya	Mays
Colson, Mrs.	Nicholson
Dowell	Petsch
Heflin	Ragsdale
Hull	Stoll
Johnson of Ellis	

Absent—Excused

Dean	McNamara
Leonard	

Mr. Howard offered the following amendment to the bill:

Amend House Bill No. 148, Section 6, page 9, line 14, by striking out lines 14 to 17, inclusive, and inserting the following:

"Any applicant who may be refused admittance to examination before said Board, or on said examination shall allege he has been treated unfairly, unreasonably or arbitrarily by said Board on said examination, shall have his right of action to have such issue tried as to all questions of law and fact in any District Court of the county in which he resides, or where some member of the Board resides."

Mr. Keith offered the following substitute amendment for the amendment by Mr. Howard:

Amend House Bill No. 148, Section 6, by adding between the words "which" and "some" the following: "he resides or in which".

Mr. Howard moved to table the substitute amendment by Mr. Keith.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—70

Allison	Bond
Alsup	Bridgers
Bailey	Brown
Bell	of Nacogdoches

Bundy	Kerr
Burkett	Kersey
Burney	King
Cauthorn	Little
Chambers	Lock
Clark	London
Cockrell	McDonald
Cornett	McFarland
Crossley	McMurry
Daniel	Mohrmann
Davis of Jasper	Montgomery
Dickson	Newell
Dowell	Oliver
Faulkner	Pace
Felty	Pevehouse
Ferguson	Piner
Galbreath	Reaves
Goodman	Reed
Hale	Robinson
Hardeman	Smith of Frio
Hardin	Smith
Harp	of Matagorda
Harper	Spencer
Harris	Stinson
Holland	Tarwater
Howard	Taylor
Howington	Voigt
Hull	Weldon
Isaacks	Westbrook
Johnson of Ellis	White
Johnson of Tarrant	Winfree
Kern	Worley

Nays—53

Allen	Kinard
Baker of Grayson	Langdon
Blankenship	Lehman
Boyd	Leyendecker
Boyer	Morris
Bradbury	Nicholson
Bradford	Olsen
Broadfoot	Reader of Bexar
Cleveland	Reader of Erath
Coleman	Rhodes
Colquitt	Riviere
Colson, Mrs.	Roach
Corry	Roberts
Davis of Upshur	Russell
Dickison	Segrist
Dwyer	Skiles
Fielden	Smith of Hopkins
Fuchs	Talbert
Gilmer	Tennant
Gordon, Mrs.	Thornton
Hamilton	Turner
Hankamer	Vale
Harrell of Bastrop	Vint
Harrell of Lamar	Waggoner
Heflin	Wells
Keith	Wilson
Kennedy	

Present—Not Voting

Bray	Wright
McAlister	

Absent

Anderson	McDaniel
Baker	Monkhouse
of Fort Bend	Petsch
Brown of Cherokee	Pope
Celaya	Ragsdale
Derden	Schuenemann
Donaghey	Shell
Hartzog	Stoll
Hunt	Thornberry
Loggins	Wood
Mays	

Absent—Excused

Dean	McNamara
Leonard	

Question then recurring on the amendment by Mr. Howard, it was adopted.

Mr. Reader of Bexar offered the following amendment to the bill:

Amend House Bill No. 148, by adding thereto a new Section, to be numbered 5a, and reading as follows:

"Section 5a. This law shall be construed as to apply to persons other than registered pharmacists of this State not pretending to be physicians who offer for sale on the streets or other public places contraceptives or prophylactics."

Mr. Kersey moved to table the amendment.

Question recurring on the motion to table, yeas and nays were demanded.

The roll of the House was called, and the vote announced as follows: Yeas, 64; Nays, 63.

A verification of the vote was requested.

The roll of the "yeas" and "nays" was again called, and the verified vote resulted, as follows:

Yeas—63

Allen	Davis of Jasper
Alsup	Dickson
Bailey	Dowell
Bell	Faulkner
Bond	Ferguson
Boyer	Fielden
Broadfoot	Fuchs
Brown of Cherokee	Galbreath
Brown	Goodman
of Nacogdoches	Hardeman
Bundy	Hardin
Burkett	Harp
Burney	Harper
Cockrell	Harrell of Bastrop
Crossley	Howard

Howington
Kennedy
Kerr
Kersey
King
Lehman
Leyendecker
Lock
Loggins
London
Montgomery
Newell
Oliver
Pace
Pevehouse
Rhodes
Riviere

Schuenemann
Skiles
Spencer
Talbert
Tarwater
Tennant
Turner
Voigt
Weldon
Wells
Westbrook
White
Wilson
Winfree
Wood
Worley
Wright

Nays—65

Allison	Kern
Anderson	Kinard
Baker of Grayson	Langdon
Blankenship	Little
Boyd	McDaniel
Bradbury	McDonald
Bradford	McFarland
Bridgers	McMurry
Cauthorn	Mohrmann
Chambers	Morris
Clark	Nicholson
Coleman	Olsen
Colson, Mrs.	Piner
Cornett	Reader of Bexar
Daniel	Reader of Erath
Davis of Upshur	Reaves
Derden	Reed
Dickison	Roach
Donaghey	Robinson
Dwyer	Russell
Gilmer	Segrist
Hale	Smith of Frio
Hamilton	Smith of Hopkins
Hankamer	Smith
Harrell of Lamar	of Matagorda
Harris	Stinson
Hartzog	Stoll
Heflin	Taylor
Holland	Thornberry
Isaacks	Thornton
Johnson of Ellis	Vale
Johnson of Tarrant	Vint
Keith	Waggoner

Present—Not Voting

Bray	McAlister
Corry	

Absent

Baker	Colquitt
of Fort Bend	Felty
Celaya	Gordon, Mrs.
Cleveland	Hull

Hunt
Mays
Monkhouse
Petsch

Pope
Ragsdale
Roberts
Shell

Absent—Excused

Dean
Leonard

McNamara

The Speaker announced that the motion to table was lost.

Question then recurring on the amendment by Mr. Reader of Bexar, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—108

Allen	Hardeman
Allison	Harper
Anderson	Harrell of Lamar
Baker	Harris
of Fort Bend	Hartzog
Baker of Grayson	Heflin
Bell	Holland
Blankenship	Howard
Boyd	Howington
Bradbury	Hull
Bradford	Isaacks
Bray	Johnson of Ellis
Bridgers	Johnson of Tarrant
Broadfoot	Keith
Brown of Cherokee	Kinard
Brown	King
of Nacogdoches	Langdon
Bundy	Lehman
Burkett	Leyendecker
Burney	Little
Cauthorn	McAlister
Celáya	McDaniel
Chambers	McDonald
Clark	McFarland
Cockrell	McMurry
Coleman	Mohrmann
Colson, Mrs.	Montgomery
Cornett	Morris
Corry	Newell
Davis of Jasper	Nicholson
Derden	Pevehouse
Dickison	Piner
Donaghey	Pope
Dowell	Reader of Bexar
Dwyer	Reader of Erath
Faulkner	Reaves
Felty	Reed
Ferguson	Rhodes
Fielden	Riviere
Gilmer	Roach
Goodman	Robinson
Hale	Russell
Hamilton	Segrist
Hankamer	Skiles

Smith of Frio	Vint
Smith	Voigt
of Matagorda	Waggoner
Spencer	Weldon
Stinson	Wells
Stoll	White
Talbert	Wilson
Taylor	Winfree
Tennant	Wood
Thornberry	Worley
Thornton	Wright
Vale	

Nays—22

Alsup	Kern
Bailey	Kerr
Boyer	Kersey
Davis of Upshur	Lock
Dickson	Loggins
Fuchs	London
Galbreath	Olsen
Hardin	Pace
Harp	Ragsdale
Harrell of Bastrop	Schuenemann
Kennedy	Smith of Hopkins

Present—Not Voting

Colquitt

Absent

Bond	Oliver
Cleveland	Petsch
Crossley	Roberts
Daniel	Shell
Gordon, Mrs.	Tarwater
Hunt	Turner
Mays	Westbrook
Monkhouse	

Absent—Excused

Dean	McNamara
Leonard	

Mr. Derden offered the following amendment to the bill:

Amend House Bill No. 148, by inserting after the semi-colon in line 32, page 7, in Section 5 of the printed form of said bill the following words:

“Nor to masseurs in their particular sphere of labor acting under the direction of licensed physicians.”

DERDEN,

CLARK,

THORNTON.

The amendment was adopted.

Mr. Derden offered the following amendment to the bill:

Amend House Bill No. 148, by inserting after the semi-colon in line 36, page 10, Section 9 of the printed form of said bill the following words:

“Nor to masseurs in their particular

sphere of labor acting under the directions of licensed physicians."

DERDEN,
CLARK,
THORNTON.

The amendment was adopted.

Mr. Reader of Bexar offered the following amendment to the bill:

Amend House Bill No. 148, by adding thereto a new Section, to be numbered 9a, and reading as follows:

"Section 9a. This law shall be so construed as to apply to persons other than registered pharmacists of this State not pretending to be physicians who offer for sale on the streets or other public places contraceptives or prophylactics."

The amendment was adopted.

Mr. Bray offered the following amendment to the bill:

Amend Section 5, Article 4504, to include after the word "prayer" in line 19, the words "except as to minors".

Mr. Hartzog moved the previous question, on the pending amendment, and the engrossment of House Bill No. 148, and the main question was ordered.

Question first recurring on the amendment by Mr. Bray, it was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 148 was then passed to engrossment.

HOUSE BILL NO. 148 ON THIRD READING

Mr. Thornton moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 148 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—130

Allen	Bell
Allison	Blankenship
Alsup	Boyd
Anderson	Boyer
Bailey	Bradbury
Baker	Bradford
of Fort Bend	Bray
Baker of Grayson	Bridgers

Broadfoot	Lock
Brown of Cherokee	Loggins
Brown	London
of Nacogdoches	McAlister
Burkett	McDaniel
Burney	McDonald
Cauthorn	McFarland
Chambers	McMurry
Clark	Mohrmann
Cleveland	Montgomery
Cockrell	Morris
Coleman	Newell
Colquitt	Nicholson
Colson, Mrs.	Oliver
Cornett	Olsen
Corry	Pace
Crossley	Pevehouse
Daniel	Piner
Davis of Jasper	Pope
Davis of Upshur	Ragsdale
Derden	Reader of Bexar
Dickison	Reader of Erath
Donaghey	Reaves
Dowell	Reed
Dwyer	Rhodes
Faulkner	Riviere
Felty	Roach
Ferguson	Roberts
Fielden	Robinson
Fuchs	Russell
Galbreath	Schuenemann
Gilmer	Segrist
Hale	Skiles
Hamilton	Smith of Frio
Hankamer	Smith of Hopkins
Hardeman	Smith
Hardin	of Matagorda
Harp	Spencer
Harper	Stinson
Harrell of Bastrop	Stoll
Harrell of Lamar	Talbert
Harris	Taylor
Hartzog	Tennant
Heflin	Thornberry
Holland	Thornton
Howard	Turner
Howington	Vale
Hull	Vint
Isaacks	Voigt
Johnson of Ellis	Weldon
Johnson of Tarrant	Wells
Keith	Westbrook
Kennedy	White
Kinard	Wilson
King	Winfree
Langdon	Wood
Lehman	Worley
Leonard	Wright
Little	

Nays—4

Dickson	Kerr
Kern	Kersey

Present—Not Voting
Bundy

Absent
Bond Mays
Celaya Monkhouse
Goodman Petsch
Gordon, Mrs. Shell
Hunt Tarwater
Leyendecker Waggoner

Absent—Excused
Dean McNamara

The Speaker then laid House Bill No. 148 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—133

Allen	Dowell
Allison	Dwyer
Alsup	Faulkner
Anderson	Felty
Bailey	Ferguson
Baker	Fielden
of Fort Bend	Fuchs
Baker of Grayson	Galbreath
Bell	Gilmer
Blankenship	Goodman
Boyd	Hale
Bradbury	Hamilton
Bradford	Hankamer
Bray	Hardeman
Bridgers	Hardin
Broadfoot	Harp
Brown of Cherokee	Harrell of Bastrop
Brown	Harrell of Lamar
of Nacogdoches	Harris
Bundy	Hartzog
Burkett	Heflin
Burney	Holland
Cauthorn	Howard
Celaya	Howington
Chambers	Hull
Clark	Isaacks
Cleveland	Johnson of Ellis
Cockrell	Johnson of Tarrant
Coleman	Keith
Colquitt	Kennedy
Colson, Mrs.	Kerr
Cornett	Kersey
Corry	Kinard
Crossley	King
Daniel	Langdon
Davis of Jasper	Lehman
Davis of Upshur	Leonard
Derden	Little
Dickison	Lock
Donaghey	Loggins

London	Schuenemann
McAlister	Segrist
McDaniel	Skiles
McDonald	Smith of Frio
McFarland	Smith of Hopkins
McMurry	Smith
Mohrmann	of Matagorda
Montgomery	Spencer
Morris	Stinson
Newell	Stoll
Nicholson	Talbert
Oliver	Taylor
Olsen	Tennant
Pace	Thornberry
Pevehouse	Thornton
Piner	Turner
Pope	Vale
Ragsdale	Vint
Reader of Bexar	Voigt
Reader of Erath	Waggoner
Reaves	Weldon
Reed	Wells
Rhodes	Westbrook
Riviere	White
Roach	Wilson
Roberts	Winfree
Robinson	Wood
Russell	Worley

Nays—3

Dickson Wright
Kern

Absent

Bond	Mays
Boyer	Monkhouse
Gordon, Mrs.	Petsch
Harper	Shell
Hunt	Tarwater
Leyendecker	

Absent—Excused

Dean McNamara

Mr. Anderson moved to reconsider the vote by which House Bill No. 148 was passed, and to table the motion to reconsider.

The motion to table prevailed.

MESSAGE FROM THE GOVERNOR

The Speaker laid before the House, and had read the following message from the Governor:

To the Members of the Forty-sixth Legislature:

I submit as emergency legislation the subject of abolishing all unnecessary State fund accounts and providing by law a more centralized method of handling State funds.

The funds of the State Government are now deposited in 105 different accounts. Some of these separate funds must, of course, be maintained. It would seem that these funds could be divided roughly into the following groups:

Those which the Constitution of the State requires to be maintained; other funds which must be maintained because of the relationship between the State and the Federal Government.

There are also bond, endowment and investment funds as well as certain law enforcement funds. Based on the study which I have made I believe at least fifty-five (55) of these funds can be abolished. I attach a list of the separate funds which the State is now maintaining, also a list of those which it seems to me should continue to be maintained. The other fund accounts should be abolished.

It seems to me that a bill could be enacted which would increase the efficiency of our system of collecting State taxes, simplify the system of accounts now kept by the State Treasurer, centralize the records of the fiscal affairs of the State in a single office (that of the Comptroller) and at the same time give further protection against loss in collection of State revenues and establish more direct legislative control of public expenditures.

Sound business policy makes necessary that in so far as possible all State revenue be deposited immediately in the State Treasury and paid out only in response to direct legislative appropriation.

I most respectfully urge that your attention be given to this matter as soon as is consistent with careful legislation.

Respectfully,

W. LEE O'DANIEL,
Governor.

STATE FUNDS NOW IN EXISTENCE

Constitutional Funds

1. Available School
2. Confederate Pension
3. Permanent School
4. Permanent University
5. Permanent Lunatic
6. Permanent Blind
7. Permanent Deaf and Dumb
8. Permanent Orphan

9. Teacher Retirement
10. Rusk State Hospital

Federal Funds:

1. U. S. Public Health
2. Venereal Diseases
3. Vocational Education
4. George-Deen (Education)
5. George Ellzey
6. Crippled Children
7. Highway
8. Unemployment Compensation
9. Old Age Assistance
10. Maternal and Child Health
11. Child Welfare
12. National Guard
13. Employment Service
14. Wichita Falls Building
15. Rural Sanitation
16. Vital Statistics

Bond, Endowment and Investment Funds:

1. Relief Bond Sinking No. 1
2. Relief Bond Sinking No. 2
3. Relief Bond Sinking No. 3
4. Relief Bond Sinking No. 4
5. Texas Relief Bond
6. County and Road District
7. Treasurer's Fiscal Agency
8. University-Medical Branch Endowment
9. Highway Investment
10. A. & M. College
11. Teachers Savings

Tax Law Enforcement Funds:

1. Motor Fuel Tax Enforcement
2. Motor Fuel Tax Audit
3. Natural and Casinghead Gas Audit
4. Cigarette Tax Enforcement
5. Cigarette Tax Audit
6. Vending Machine Tax Enforcement
7. Liquor Tax Enforcement
8. Liquor Board Confiscation
9. Boxing and Wrestling Enforcement
10. Boiler Inspection

Special Funds (Maintained for Boards-Commissions):

1. Gas Utilities
2. Oil and Gas Enforcement
3. Citrus Grading
4. Citrus Inspection
5. Agricultural Protective
6. Pure Bred Cotton Seed
7. Racing
8. Jack and Stallion
9. Game

10. Fish and Oyster
11. Fish Propagation
12. Sand, Shell and Gravel
13. Medical Registration
14. Dental Registration
15. Hairdressers & Cosmetologists
16. Barbers
17. Texas Prison
18. Texas Prison Revolving
19. Professional Engineers
20. Architects Registration
21. Compensation Insurance Division
22. Fire Insurance Division
23. Insurance Examiners
24. Insurance Agents License
25. Motor Vehicle Insurance
26. Operators & Chauffeurs License
27. Texas Securities Act
28. Citrus Fruit Dealers

Disbursing Funds:

1. General
2. State Highway
3. Available Blind Institute
4. Available Deaf & Dumb Institute
5. Available Lunatic Asylum
6. Available Orphans
7. Available University
8. Available A. & M. College
9. A. & M. College Pure Feed
10. Text Book
11. State Parks
12. Old Age Assistance
13. Bond Coupon Paying

Extra Governmental and Incidental Funds:

1. Upper Colorado River Authority
2. Medina Lake
3. Escheated Estates
4. Unorganized Counties
5. Special Loan Tax
6. Special Centennial
7. Dissolution of Solvent Corporations
8. Highway Light Testing

Tax and Bookkeeping Funds:

1. County Collectors Cash
2. Highway Motor Fuel
3. Cigarette
4. Liquor Board Tax
5. Liquor Board License
6. State Old Age Assistance
7. Gas Utilities
8. Oil and Gas Enforcement
9. Oil and Gas Enforcement Labor Department

STATE FUNDS WHICH SHOULD BE RETAINED

Constitutional Funds:

1. Available School
2. Confederate Pension
3. Permanent School
4. Permanent University
5. Permanent Lunatic
6. Permanent Blind
7. Permanent Deaf & Dumb
8. Permanent Orphan
9. Teacher Retirement
10. Rusk State Hospital

Federal Funds:

1. U. S. Public Health
2. Venereal Disease
3. Vocational Education
4. George-Deen
5. George Ellzey
6. Crippled Children
7. Highway
8. Unemployment Compensation
9. Old Age Assistance
10. Maternal and Child Health
11. Child Welfare
12. National Guard
13. Employment Service
14. Wichita Falls Building
15. Rural Sanitation
16. Vital Statistics

Bond, Endowment and Investment Funds:

1. Relief Bond Sinking No. 1
2. Relief Bond Sinking No. 2
3. Relief Bond Sinking No. 3
4. Relief Bond Sinking No. 4
5. Texas Relief Bond
6. County and Road District
7. Treasurer's Fiscal Agency
8. University-Medical Branch Endowment
9. Highway Investment
10. A. & M. College
11. Teachers Savings

Disbursing Funds:

1. General
2. State Highway
3. Bond Coupon Paying

Extra Governmental and Incidental Funds:

1. Upper Colorado River Authority
2. Medina Lake
3. Escheated Estates
4. Unorganized Loan Tax
5. Special Loan Tax

6. Special Centennial
7. Dissolution of Solvent Corporations

Tax and Bookkeeping Funds:

1. General Tax Fund
2. Highway Motor Fuel
3. State Old Age Assistance

RELATIVE TO HOUSE BILL NO. 10

On motion of Mr. Anderson, House Bill No. 10 was laid on the table subject to call.

BILLS AND RESOLUTION SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills and resolution:

H. B. No. 123, "An Act to authorize all independent school districts in certain counties to pay present outstanding legal indebtedness of the said school districts by refunding warrants to bear interest of not more than 6% per annum, and to be payable out of a portion of the local maintenance taxes, and declaring an emergency."

H. B. No. 228, "An Act authorizing certain cities to issue municipal bonds to fund the deficit in the wages of firemen and policemen of said cities; repealing all laws in conflict herewith, and declaring an emergency."

H. C. R. No. 45, Inviting Hon. Albert B. Chandler to address the Legislature.

SENATE BILLS ON FIRST READING

The following Senate Bills, received from the Senate, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

Senate Bill No. 102, to the Committee on Criminal Jurisprudence.

Senate Bill No. 128, to the Committee on Counties.

Senate Bill No. 129, to the Committee on Municipal and Private Corporations.

Senate Bill No. 160, to the Committee on State Affairs.

Senate Bill No. 180, to the Committee on School Districts.

ADJOURNMENT

Mr. Hartzog moved that the House adjourn until 10:00 o'clock a. m., next Thursday, to commemorate the birth of George Washington.

Mr. Cornett moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

Question first recurring on the motion by Mr. Cornett, it prevailed, and the House, accordingly, at 1:10 o'clock p. m., adjourned until 10:00 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills, as follows:

Agriculture: House Bills Nos. 296 and 418.

Criminal Jurisprudence: House Bills Nos. 323 and 337.

Municipal and Private Corporations: House Bills Nos. 553 and 554.

State Affairs: House Bills Nos. 52, 143, 297, 313, 314, 355 and 383.

The Committee on Municipal and Private Corporations filed an adverse report on House Bill No. 507.

The Committee on Criminal Jurisprudence filed an adverse report on House Bill No. 319.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, February 20, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 92, A bill to be entitled "An Act amending Article 2618 of the Revised Civil Statutes of 1925, changing the status of John Tarleton Agricultural College from a Junior College to a standard four-year college, and providing for a course of study for said College; and amending Article 2620 of the Revised Civil Statutes of 1925, changing the name of North Texas Junior Agricultural, Mechanical and Industrial College at Arlington to the name of North Texas Agricultural College, and plac-

ing said school under the Board of Directors of the Agricultural and Mechanical College of Texas; and amending Article 2621 of the Revised Civil Statutes of 1925, changing the status of said Junior College to a standard four-year college, and providing for a course of study for the same; and expressly repealing Articles 2622 and 2623 of the Revised Civil Statutes of 1925, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

TURNER, Acting Chairman.

Austin, Texas, February 20, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 74, A bill to be entitled "An Act creating a State Bar, constituting it an administrative agency of the judicial department of the State, defining the powers thereof, prescribing the membership thereof, and prohibiting those not members from practicing law; empowering the Supreme Court to adopt and promulgate rules and regulations for the admission to the practice of law, disciplining, suspending, and disbarring attorneys at law; for the conduct of the State Bar; prescribing a code of ethics governing the conduct of the members prescribing and limiting the fees to be paid by members, collection and disbursement thereof; preserving the right of trial by jury in disbarment proceedings; providing for repeal of all laws in conflict, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

TURNER, Acting Chairman.

Austin, Texas, February 20, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 45, Inviting Governor A. B. Chandler of the Commonwealth of Kentucky to address a Joint Session of the Legislature on Tuesday, February 28, 1939.

Has carefully compared same and finds it correctly engrossed.

TURNER, Acting Chairman.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, February 21, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 123, "An Act to authorize all Independent School Districts in certain counties to pay present outstanding legal indebtedness of the said School Districts by refunding warrants to bear interest of not more than six (6) per cent per annum, and to be payable out of a portion of the local maintenance taxes, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

OLSEN, Vice-Chairman.

Austin, Texas, February 21, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 228, "An Act authorizing certain cities to fund by ordinance enacted by the governing body the whole or any part of any legal debt of said city, which debt is the difference between the wages paid or to be paid the firemen and the policemen, and the wages required to be paid the firemen and policemen by the terms of Senate Bill No. 89, passed and approved the 19th of April, A. D. 1937, by the Forty-fifth Legislature of Texas, at the Regular Session, and which debt accrued or will have accrued before the 31st of May, A. D. 1939, and to issue negotiable bonds with or without coupons, bearing interest at an annual rate as provided by the Charter of the City which issues the said obligations, the proceeds from sale of such bonds to be used exclusively for the purpose of paying debts legally due such firemen or policemen; providing that Articles 709 to 715 and Article 4398 of the Revised Statutes of Texas for 1925 shall apply to all bonds issued under this Act; providing that the provisions of this Act shall be cumulative of all laws on this subject, and wherever the provisions of this Act are in conflict with any existing law or laws on this subject, the provisions hereof, in so far as same are in conflict with any existing law or laws, shall gov-

ern and control, and declaring an emergency."

Has carefully compared same, and finds it correctly enrolled.

OLSEN, Vice-Chairman.

Austin, Texas, February 21, 1939.

Hon. R. Emmett Morse, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 45, Inviting Hon. Albert B. Chandler, Governor of Kentucky, to address a Joint Session of the House and Senate, February 28, 1939.

Has carefully compared same and finds it correctly enrolled.

OLSEN, Vice-Chairman.

SENT TO THE GOVERNOR

February 21, 1939

House Bill No. 228

House Bill No. 123

TWENTY-SIXTH DAY

(Wednesday, February 22, 1939)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Morse.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Burney
Allen	Cauthorn
Allison	Celaya
Alsup	Chambers
Anderson	Clark
Bailey	Cleveland
Baker	Cockrell
of Fort Bend	Coleman
Baker of Grayson	Colquitt
Bell	Colson, Mrs.
Blankenship	Cornett
Bond	Corry
Boyd	Crossley
Boyer	Daniel
Bradbury	Davis of Jasper
Bradford	Davis of Upshur
Bray	Dean
Bridgers	Derden
Broadfoot	Dickison
Brown of Cherokee	Dickson
Brown	Donaghey
of Nacogdoches	Dowell
Bundy	Dwyer

Faulkner	Montgomery
Felty	Morris
Ferguson	Newell
Fielden	Nicholson
Fuchs	Oliver
Galbreath	Olsen
Gilmer	Pace
Goodman	Petsch
Gordon, Mrs.	Pevehouse
Hale	Piner
Hamilton	Pope
Hankamer	Ragsdale
Hardeman	Reader of Bexar
Hardin	Reader of Erath
Harp	Reaves
Harper	Reed
Harrell of Bastrop	Rhodes
Harrell of Lamar	Riviere
Harris	Roach
Hartzog	Roberts
Heflin	Robinson
Holland	Russell
Howard	Schuenemann
Howington	Segrist
Hull	Shell
Hunt	Skiles
Isaacks	Smith of Frio
Johnson of Ellis	Smith of Hopkins
Johnson of Tarrant	Smith
Keith	of Matagorda
Kennedy	Spencer
Kern	Stinson
Kerr	Stoll
Kersey	Talbert
Kinard	Tarwater
King	Taylor
Langdon	Tennant
Lehman	Thornberry
Leonard	Thornton
Leyendecker	Turner
Little	Vale
Lock	Vint
Loggins	Voigt
London	Waggoner
Mays	Weldon
McAlister	Wells
McDaniel	Westbrook
McDonald	White
McFarland	Wilson
McMurry	Winfree
McNamara	Wood
Mohrmann	Worley
Monkhouse	Wright

Absent—Excused

Burkett

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Almighty God, we are thankful for the great men whom Thou didst raise